

Collision Course

When President Nixon appointed Leon Jaworski special Watergate prosecutor last fall, he authorized Acting Attorney General Robert H. Bork to assure the public that Mr. Jaworski had a firm promise of "full cooperation of the executive branch."

That promise, it must be recalled, was made in the wake of public indignation over the firing of Archibald Cox, Mr. Jaworski's predecessor, who had also been promised complete freedom from White House interference. It therefore was not surprising that Mr. Bork deemed it necessary to add: "Should he [Mr. Jaworski] disagree with a decision of the Administration with regard to the release of Presidential documents, there will be no restriction placed on his freedom of action."

Mr. Jaworski has now been forced to initiate action to test that freedom. In his letter to Chairman James O. Eastland of the Senate Judiciary Committee, he has served notice that another Presidential promise has been nullified. "It is now clear," Mr. Jaworski wrote, "that evidence I deem material to our investigations will not be forthcoming."

The situation looks ominously familiar. After briefly taking to the public stage with the unconvincing script of Operation Candor, the President has evidently reverted to his original game plan. Once again, Mr. Nixon has returned to the claim—categorically rejected by the courts—that he is the sole judge of what constitutes evidence necessary to the prosecution.

Mr. Nixon began to move toward a new confrontation when he told Congress in his State of the Union address: "I believe that I have provided all the material that he [the special prosecutor] needs to conclude his investigations . . ." Challenging that view, Mr. Jaworski has informed the Senate that material "important to a complete and thorough investigation" and necessary for effective prosecution is being deliberately withheld by the White House.

Once again the President is impeding the investigation and prolonging the Government crisis. Once again he is erecting a wall of executive privilege between evidence and prosecutor. Once again Mr. Nixon is confusing the search for truth with his assertion, as reported in Mr. Jaworski's letter, that to make the requested documents and tapes available "would be inconsistent with the public interest and the constitutional integrity of the office of the Presidency." And once again Mr. Nixon appears insensitive to the fact that the integrity of that office has been jeopardized precisely by his own refusal to let the investigation proceed.

Mr. Nixon seems intent on moving the action back to square one—the use of the Presidency as a sanctuary from full-scale investigations of criminal offenses. In doing so, the President seems unaware of his own drastically changed situation. Mr. Jaworski's letter to the Senate Judiciary Committee can only be regarded as a first step in what would become an inevitable test of strength if Mr. Nixon persists on a defiant course.

To impede the investigation now will be regarded as tantamount to a confession of deliberate cover-up. It would thus publicly expose the President to a charge that the House of Representatives could hardly ignore as an impeachable offense.